

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES WARREN GARNER,

Defendant.

Case No. 3:22-cr-10-10

**PRELIMINARY ORDER OF  
FORFEITURE**

WHEREAS, in the Indictment regarding the above case, the United States sought forfeiture of specific property of the above-captioned defendant;

AND AS A RESULT of the guilty plea on September 27, 2022, to Count One of the Second Superseding Indictment, (Doc. 134), charging Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances, in violation of 21 U.S.C. § 846, together with the defendant's waiver of any rights to said property pursuant to the Plea Agreement, (Doc. 161 ¶4), pursuant to 21 U.S.C. § 853(a), the defendant shall forfeit to the United States of America all of his right, title and interest to:

- \$1,785 in United States currency.

It is hereby ORDERED, ADJUDGED and DECREED:

1. That all of the defendant's right, title and interest in the following property is hereby forfeited, that the United States is hereby authorized to seize the following property at the time of sentencing, and it will be forfeited to the United States of America for disposition in accordance with the law, that being:

- \$1,785 in United States currency.

2. That all of the aforementioned forfeited property is to be held by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in their custody and control.
3. That the United States of America shall post Notice of Forfeiture on the official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of any and all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

ORDERED this 6 day of October, 2022.



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Peter D. Welte, District Chief Judge  
United States District Court